

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17680 of 2013

=====

Santosh Kumar, son of Sri Maheshwar Prasad, resident of Village - Nipania
Salempur, P.S. Isuapur, District - Saran At Chapra

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Saran at Chapra
2. The Commissioner, Saran Division, Chapra
3. The Collector-Cum-District Magistrate, Chapra
4. The Sub-Divisional Officer, Marhaura, Saran
5. The Block Supply Officer, Isuapur, Marhaura, Saran
6. The Inspector, Weight and Measurement, Marhaura, Saran
7. Vijay Kumar, son of Dharikshan Manjhi, resident of Village - Nipania
Salempur, P.S. - Isuapur, District - Saran at Chapra

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Narendra Kumar

For the Respondent/s : Mr. A.Ujjwal

=====

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 17-09-2015 Heard learned counsel for the petitioner and the State.

Under Clause 9 of the Bihar Trade Articles (Licences
Unification) Order, 1984 a joint license was granted in the name
of Vijay Kumar and Santosh Kumar for running a Public
Distribution System shop giving rise to license no. 15 of 1997.

According to the petitioner, respondent no.7, namely,
Vijay Kumar, filed a petition on 29.09.1997 on affidavit to delete
his name from the license, as he is not able to participate in the
business. On the said petition of Vijay Kumar, the licensing
authority deleted his name and the license stood in the sole name
of Santosh Kumar.



On 19.03.2007, after 9 years, Vijay Kumar filed a petition denying having filed any petition before the licensing authority requesting to delete his name from license. He alleged that manipulation was all of Santosh Kumar. On the said petition of Vijay Kumar, the Sub-Divisional Officer, Marhaura after issuing show-cause to the petitioner directed that the license be opened in the name of Vijay Kumar in place of Santosh Kumar.

The petitioner (Santosh Kumar) being aggrieved by the order dated 23.03.2007 of the Sub-Divisional Officer, Marhaura filed appeal, which was dismissed on 14.09.2007 against which he filed revision before the learned Commissioner, Saran Division, which was allowed vide order dated 28.09.2010. The learned Commissioner remanded the matter to the appellate authority to pass fresh order after looking into the matter. The appellate authority after hearing the parties, vide order dated 31.05.2011, dismissed the appeal.

Learned counsel for the petitioner submits that the appellate authority has not considered all the documents.

In my view, the petitioner should file a revision application against the order of appellate authority. In case, the petitioner files a revision, the delay in filing the same would be sympathetically considered, as the petitioner was pursuing his

remedy before this Court. The learned Commissioner thereafter would proceed to dispose of the matter after hearing the parties concerned.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--